

17263-62624 (15278)/ 1040355

**REMARKS**

Applicant respectfully requests reconsideration of the present application.

Being filed concurrently with this Response is an Information Disclosure Statement in accordance with 37 C.F.R. § 1.97(c)(2).

Applicant brings to the attention of the Examiner U.S. Patent Application Serial No. 10/353,862 (inventor) Piotrowski, which is also co-owned <sup>by Illinois Tool Works</sup> along with the current application.

**The rejections under 35 U.S.C. § 102.**

Referring to paragraph 2 of the detailed action, claims 1-8, 10 and 11 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Patent No. 2,358,653 to Mock.

Applicant has amended claim 1 to include a peelable seal. A fair reading of Mock does not disclose a peelable seal. Therefore, Mock cannot be said to anticipate claim 1, or any claims dependant on claim 1. Applicant respectfully requests removal of this rejection of claim 1 and all claims dependant thereon.

With regards to claims 2-5, applicant has cancelled claim 2. Claims 3-5 are allowable at least by being dependant upon an allowable independent claim.

With regards to claim 6, applicant has amended claim 6 to include a peelable seal. A fair reading of Mock does not disclose a peelable seal, and therefore Mock cannot be said to anticipate claim 6 or any claims dependant thereon. Applicant respectfully requests removal of this rejection of claim 6.

With regards to claims 7 and 8, these claims are allowable at least by being dependant upon an allowable independent claim.

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With regards to claim 10, claim 10 includes that the container includes a pair of sidewalls that have a substantially flat bottom. A fair reading of Mock does not disclose these elements. Lacking at least these elements, Mock cannot be said to anticipate claim 10, and removal of this rejection is respectfully requested.

With regards to claim 11, this claim is allowable at least by being dependant upon an allowable independent claim.

Referring to paragraph 3 of the detailed action, claims 1-3 and 5-9 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,186,663 to Ausnit.

With regards to claim 1, applicant has amended claim 1 to include that the second end of the first profile is attached to the second end of the second profile. A fair reading of Ausnit '663 does not disclose any attachment of the first fastener profile to the second fastener profile. Lacking this element, Ausnit '663 cannot be said to anticipate claim 1, and applicant respectfully requests withdrawal of the rejection for claim 1 and all claims dependant on claim 1.

With regards to claims 2, 3 and 5, applicant has cancelled claim 2. With regards to claims 3 and 5, claims 3 and 5 are allowable at least by being dependant upon an allowable independent claim.

With regards to claim 6, claim 6 has been amended to include that the second end of the first strip is attached to the second end of the second strip. A fair reading of Ausnit '663 does not disclose attachment of fastener profiles 12 and 14. Lacking this element, Ausnit '663 cannot be said to anticipate claim 6, and applicant respectfully requests withdrawal of this rejection for claim 6 and all claims dependant thereon.

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With regards to claims 7-9, these claims are allowable at least by being dependant upon an allowable independent claim.

**Referring to paragraph 4 of the detailed action, claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,325,543 to Ausnit.**

Claim 10 has been amended to include that the top edge of the folded gusset is lower than either of the profile elements. A fair reading of Ausnit '543 does not disclose this limitation. To the contrary, referring to figures 7 and 8 of Ausnit '543, it can be seen that the profiles 30 and 32 are lower than the top edge of gusset fold 52. Lacking at least this element, Ausnit '543 cannot be said to anticipate claim 10, and applicant respectfully requests withdrawal of this rejection for claim 10 and all claims dependant thereon.

**The rejections under 35 U.S. C §103**

**Referring to paragraph 6 of the detailed action, claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausnit '543 and Ausnit '663.**

Applicant has amended claim 1 to include that the second end of the first profile is attached to the second end of the second profile by an end stop. Claim 6 has been amended to include that the second end of the first fastener strip is attached to the second end of the second fastener strip by an end stop. Claim 10 has been amended to include that the interlockable fastener strips are joined together at one end other than by interlocking of the strips. Neither Ausnit '543 nor Ausnit '663 discloses any of these claim elements, nor do they teach or suggest these claim elements.

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With regards to Ausnit '663, figure 7 shows two endstops 48, each one of the endstops being on a different one of the fastener profiles 12,14. The endstops 48 of Ausnit '663 do not attach the fastener profiles together. With regards to Ausnit '543, the Detailed Action states on page 3 that, "Ausnit discloses that it is known in the art to join analogous interlockable profiles at one end and separable at the other end." A fair reading of Ausnit '543 shows that, "one of the gusseted sides is sealed" in FIG. 8 (Column 2, Lines 6-7). However, nowhere does Ausnit '663 disclose the use of an endstop for joining of the profiles 30 and 32.

Since both Ausnit '543 and Ausnit '663 lack all elements of claims 1, 6, and 10, the combination of these references do not create a *prima facie* case of obviousness for any of these claims. Applicant respectfully requests withdrawal of the rejection of these claims, as well as those claims dependent on these claims.

With regards to claim 9, applicant has amended claim 9 to include that the slider is movable off of the strips without damaging the strips. The Detailed Action on page 4 states that "If enough force were applied to the slider of Ausnit '663, the slider would be capable of being moved off the strips as claimed." However, referring to FIG.7 of Ausnit '663, a fair interpretation of that figure indicates that slider 46 would likely damage one or both of endstops 48 if it is forcibly removed from the profiles.

#### NEW CLAIMS.

Applicant has added new dependant claims 12-24. All of these new claims are dependant upon independent claims 1, 6, or 10. No new matter has been added by the addition of these new dependant claims.

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**CLOSING**

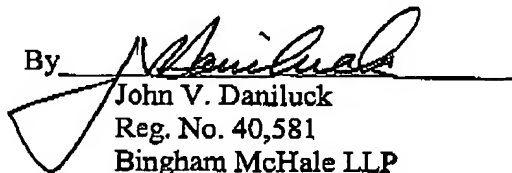
Applicant has cancelled claim 2, amended claims 1, 3, 4, 5, 6, 9, and 10; and added new claims 12-24 . Applicant respectfully requests reconsideration of pending claims 1 and 3-24.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede any basis for rejections or objections in the Office Action. Further, with regards to the various statements made in the Office Action concerning any prior art, the teachings of any prior art are to be interpreted under the law. Applicants make no admissions as to any prior art. The remarks herein are provided simply to overcome the rejections and objections made in the Office Action in an expedient fashion.

The undersigned welcomes a telephonic interview with the Examiner if the Examiner believes that such an interview would facilitate resolution of any outstanding issues.

Respectfully submitted,

By

  
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